

REMARKS

The Applicant thanks the Examiner for his thorough review of the present application. In the outstanding final office action, the Examiner again rejects claims 1-3, 6-9, 12-15, 18 and 19 under § 102(b) based in a U.S. patent to Gardner et al. In response, the Applicant has amended the rejected claims to clarify its invention. As discussed below, the amended claims are patentable over the cited reference and the Applicant respectfully requests reconsideration of the Examiner's rejections.

Claim Amendments

The Applicant has amended claims 1, 8, 14 and 18 to include the limitation that the sear pivot point cannot be displaced upward or downward relative to the top and bottom of the pistol, independent of the arcuate path of the pivot arm frame. Additionally, the Applicant added the limitation that the arcuate path of the sear is not guided by a cam surface to claim 14. The claim amendments are fully supported in the specification and no new matter has been entered. The amendments are for clarification purposes only.

Claim Rejections under 35 U.S.C. § 102(b) of Claims 1-3, 6-9, 12-15, 18, and 19 as being anticipated by Gardner et al.

The Examiner rejects claims 1-3, 6-9, 12-15, 18, and 19 under 35 U.S.C. § 102(b) for being clearly anticipated by Gardner et al. Applicant respectfully traverses the rejection applied to the pending amended claims and requests reconsideration.

According to MPEP 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (citing *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)). As discussed below, Applicant respectfully submits that Gardner et al. does not expressly nor inherently describe, teach or suggest each and every element of claims 1-3, 6-9, 12-15, 18, and 19 as amended.

Gardner et al does not describe, teach or suggest the limitation of a firing mechanism that includes sear pivot point that cannot be displaced upward or downward relative to the top and bottom of a pistol, independent of the arcuate path of a pivot arm frame. Referring to FIG. 6 of Gardner et al., the sear 134 pivots about the pivot pin 170. The sear 134 can pivot about the pin forward and rearward relative to the front and rear of the gun. (Gardner, col. 7, lines 17-26). Moreover, the sear 134 and its pivot pin 170 also move upward and downward, relative to the top and bottom of a gun, through the movement of the sear arm 160 about the second pivot pin 172. (col. 2, lines 38-62 (general discussion of the movement of the sear applicable to all embodiments)). This upward and downward movement of the sear 134 is independent of the forward and rearward motion of the sear 134 about the pivot pin 170. Regarding this independence, Gardner states that the sear floating on a cantilevered spring system “[m]akes the rearward motion of the sear substantially independent of its downward motion.” Again, Gardner does not teach, disclose or suggest a pivot point that cannot be displaced upward or downward.

Indeed, Gardner et al explicitly teaches away from a sear pivot point that cannot be displaced upward or downward. Gardner et al states that:

This independent, two-directional movement is important in the operation of the sear. The trigger pull moves the sear rearwards to load the striker, while at the same time the sear moves downwards to release the striker. Motion of the sear in these two directions compresses the cantilevered spring means so that it not only permits the rearward and downward movement of the sear, but also restores the sear to its original upward and forward position for the next firing cycle. (col. 2, lines 54-62).

In fact, every element of the embodiments of Gardner et al has been designed to effectuate this “independent, two-directional movement.” For example, the sear 134 “floats” on a “cantilevered” spring system 150. (FIG. 6; col. 2, lines 38-44). Gardner states that this combination of sear and spring system “makes the rearward motion of the sear substantially independent of its downward motion.” (col. 3, lines 41-43).

Likewise, Gardner et al includes cam surfaces designed to guide independent, two-directional movement of the sear. Gardner et al includes a sear block 120 with first

and second cam surfaces 126 and 128. (FIG. 6). According to Gardner et al the “first cam surface of the sear operates against a cam surface of the sear block to guide the sear along its rearward and downward path when the trigger is pulled.” (col. 3, lines 13-17). Also, the downward movement of the sear is “governed by two cam surfaces” and the “sear 134 rides against cam surfaces 126, 128.” (col. 6, lines 16-40; col. 7, lines 17-26). Again, this teaches away from a sear pivot point that cannot be displaced upward or downward.

Moreover, with regard to Gardner’s cam surfaces, the Applicant has also amended independent claim 14 to include the limitation that the arcuate path of the sear is not guided by a cam surface. This is an important aspect of the present invention as the present invention provides a simplified sear assembly that is cheaper to manufacture as the “number of components and surfaces are reduced.” (Application at [[0007]]). As mentioned above, Gardner et al. explicitly teaches that cam surfaces are necessary to guide the movement of the sear. As such, Gardner et al does not disclose, teach or suggest this claim limitation.

The Applicant has amended independent claims 1, 8, 14 and 18 as described above. Claims 2-3, 6, 7, 9, 12, 13, 15 and 19 all depend from the amended independent claims and are allowable for the foregoing reasons.

Conclusion

As Applicant believes it has traversed the Examiner’s rejection, and respectfully requests that the Examiner withdraw his rejection of claims 1-3, 6-9, 12-15, 18, and 19 and pass claims 1-20 to issue.

If necessary, the Commissioner is hereby authorized in this reply to charge payment or credit any overpayment to Deposit Account No. 13-0235 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time and Request for Continued Examination fees.

Please do not hesitate to call Applicants' attorneys at the number below if they may help expedite the prosecution of this application in any way.

Respectfully submitted,

By 

Kevin H. Vanderleeden
Registration No. 51,096
Attorney for Applicant(s)

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-4102
Tel: (860) 549-5290
Fax: (413) 733-4543

Customer No. 35301